

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
15 JUN -3 PM 2:44  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.

SUPERSEDING  
INDICTMENT

JUDGE: CHRISTOPHER A. BOYKO

DEVINNE P. HOLLIE,  
SHANITA HOLLIE,  
SADE PHILPOTT,  
AHMERR ELLIS,  
CALVIN MCPHERSON,  
ASIA MCPHERSON,  
TAVIO JACK,  
EARL WALKER,  
MATTHEW JOHNSON,  
EDDIE STACY,  
DARREN SHEA-RON,  
JEFFERY TATE,  
MARNETTA MCPHERSON,  
CHAD M. MASON,  
JOHN T. WILDER,  
ANTHONY L. MCPHERSON,  
THIOTIS A. GREENE,  
  
Defendants.

CASE NO.: 1:15CR163  
Title 18, Sections 1349,  
1344(1) and (2) and 2,  
United States Code

COUNT 1

(Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1349)

The Grand Jury charges:

GENERAL ALLEGATIONS

At all times material herein:

1. Huntington National Bank ("HNB") was a financial institution having offices in the state of Ohio. HNB's deposits were insured by the Federal Deposit Insurance Corporation ("FDIC").

2. Citizens Bank, National Association, d.b.a. Charter One Bank ("CB") was a financial institution having offices in the state of Rhode Island. CB's deposits were insured by the FDIC.

3. Debit cards were payment cards that provided the cardholder with electronic access to their bank accounts at financial institutions. Debit cards were generally tied to a unique bank account belonging to the cardholder and bore the name and signature of that cardholder, as well as a unique electronic identification number connected to the cardholder. Payments made using debit cards were immediately transferred from the cardholder's designated bank accounts. Debit cards also provided immediate access to funds through cash withdrawals at automated teller machines ("ATMs").

4. Personal Identification Numbers ("PINs") were numerical passwords created and shared by a debit card cardholder and his or her bank. PINs were used in conjunction with debit cards to verify the specific identity of the user of the debit card to the bank's electronic funds transfer system, and to further grant access to the cardholder's bank accounts.

5. The Horseshoe Casino Cleveland ("Horseshoe Casino") was a casino located in Cleveland, Ohio, in the Northern District of Ohio. The Horseshoe Casino allowed individuals to create and obtain a "Total Rewards Card," a unique player account specific to that individual, which was necessary, as of in or around August 2014, for individuals to use the casino's cashier to make cash withdrawals from their bank accounts. Before in or around August 2014, the Horseshoe Casino did not require individuals to have a player card account to make cash withdrawals from their bank accounts. The Horseshoe Casino allowed individuals to withdraw funds in excess of \$5,000 through the cashier.

6. "Immediate Credit" was a benefit provided by some financial institutions to customers with checking accounts. This benefit allowed customers to make withdrawals or otherwise use the funds listed in a deposit before those funds were actually collected by the bank.

7. The term "check kiting" as used herein refers to a form of check fraud which involves taking advantage of the "float" – the time between presentment of a check to a financial institution and the actual receipt of funds by that financial institution – to make use of non-existent funds in a checking or other bank account. In this way, instead of being used as a negotiable instrument, checks were misused as a form of credit. A check kiting scheme was easier to execute when the banks involved permitted "immediate credit" to be given to a checking account customer's deposits.

#### THE CONSPIRACY

8. From in or around July 2014, and continuing to in or around February 2015, the exact dates unknown to the Grand Jury, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants, DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT, AHMERR ELLIS, CALVIN MCPHERSON, ASIA MCPHERSON, TAVIO JACK, EARL WALKER, MATTHEW JOHNSON, EDDIE STACY, DARREN SHEA-RON, JEFFERY TATE, MARNETTA MCPHERSON, CHAD M. MASON, JOHN T. WILDER, ANTHONY L. MCPHERSON, THIOTIS A. GREENE and others known and unknown to the Grand Jury, knowingly and voluntarily did combine, conspire, confederate and agree together and with each other, and with diverse others known and unknown to the Grand Jury, to knowingly execute and attempt to execute a scheme to defraud a federally insured financial institution, and to obtain money and property owned by and under the custody and control of a federally insured financial institution, by means of false and fraudulent pretenses, representations and promises in violation of Title 18, United States Code, Sections 1344(1) and (2).

OBJECTS OF THE CONSPIRACY

9. The objects of the conspiracy were to enrich Defendants DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT, AHMERR ELLIS, CALVIN MCPHERSON, ASIA MCPHERSON, TAVIO JACK, EARL WALKER, MATTHEW JOHNSON, EDDIE STACY, DARREN SHEA-RON, JEFFERY TATE, MARNETTA MCPHERSON, CHAD M. MASON, JOHN T. WILDER, ANTHONY L. MCPHERSON, THIOTIS A. GREENE and others, by: a) using co-conspirators to open and maintain bank accounts at federally insured financial institutions; b) making false and fraudulent statements, representations and promises by depositing counterfeit and forged checks in the bank accounts; c) retrieving funds from the bank accounts, based upon the counterfeit and forged checks, at automated teller machines and casinos, and by using such funds to pay for goods and services; and d) concealing the scheme to avert detection from federally insured financial institutions, other parties, and law enforcement.

MANNER AND MEANS

It was part of the conspiracy that:

10. Defendants DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT recruited co-conspirators AHMERR ELLIS, CALVIN MCPHERSON, ASIA MCPHERSON, TAVIO JACK, EARL WALKER, MATTHEW JOHNSON, EDDIE STACY, DARREN SHEA-RON, JEFFERY TATE, MARNETTA MCPHERSON, CHAD M. MASON, JOHN T. WILDER, ANTHONY L. MCPHERSON, THIOTIS A. GREENE, and others known and unknown to the Grand Jury and not charged herein, who already possessed or were willing to open bank accounts at HNB and CB in return for a cash reward.

11. The co-conspirators then obtained debit cards and personal identification numbers ("PINs") from HNB and CB, which they then provided to Defendants DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT and others.

12. Defendants DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT and others then obtained, created and possessed counterfeit and forged checks, often drawn on the purported accounts of companies including, but not limited to, Wal-Mart or K-Mart, A&C Automart and AutoZone, and made payable to one of their co-conspirators.

13. Defendants DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT and others then used a co-conspirator's debit card and PIN to deposit counterfeit checks into the co-conspirator's bank account at HNB and CB. Most of these deposits occurred during hours when the banks were closed when fraudulent checks could not be detected immediately.

14. In some instances, and often shortly after depositing the counterfeit and forged checks but before the banks opened for business, Defendants DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT and others then contacted the co-conspirator and arranged to meet him or her at the Horseshoe Casino, where the co-conspirator opened and obtained a player account and a Total Rewards Card entitling him or her to make cash withdrawals at the Horseshoe Casino cage on their HNB and CB bank accounts. The defendants and co-conspirators then used the debit cards and PINs, and the Total Rewards Cards, to make and attempt to make cash withdrawals at the Horseshoe Casino cage, check cashing services and ATMs for the value of the counterfeit checks, taking advantage of the float time between the deposit and funding of the counterfeit checks. In some instances, the defendants and co-conspirators also used the HNB and CB debit cards and PINs to make various purchases for goods and services. The proceeds of the scheme were then shared among the defendants.

Manner and Means as to Specific Checks

15. The defendants listed below submitted counterfeit and forged checks into the bank accounts of co-conspirators and others indicated below, in furtherance of the conspiracy:

<u>Approximate Date</u>	<u>Deposited by Defendant:</u>	<u>Into Co-Conspirator Account of:</u>	<u>Bank</u>	<u>Approximate Amount</u>
7/15/2014	SHANITA HOLLIE	CALVIN MCPHERSON	HNB	\$3,360.00
7/17/2014	SHANITA HOLLIE	B.F.	HNB	\$3,840.00
7/24/2014	SHANITA HOLLIE	D.M.	HNB	\$5,280.00
7/24/2014	SHANITA HOLLIE	ASIA MCPHERSON	HNB	\$4,800.00
7/25/2014	DEVINNE HOLLIE	M.C.	HNB	\$5,280.00
7/25/2014	SADE PHILPOTT	K.G.	HNB	\$5,280.00
7/25/2014	SADE PHILPOTT	An.M.	HNB	\$5,280.00
7/25/2014	DEVINNE HOLLIE	S.M.	HNB	\$5,280.00
7/28/2014	DEVINNE HOLLIE	TAVIO JACK	HNB	\$6,240.00
7/28/2014	DEVINNE HOLLIE	T.T.	HNB	\$6,240.00
7/28/2014	SADE PHILPOTT, SHANITA HOLLIE	EARL WALKER	HNB	\$5,280.00
7/28/2014	DEVINNE HOLLIE	AHMERR ELLIS	HNB	\$6,240.00
7/29/2014	SHANITA HOLLIE	L.M.B.	HNB	\$5,760.00
7/30/2014	DEVINNE HOLLIE	J.G.1	HNB	\$6,240.00
7/31/2014	SHANITA HOLLIE	MATTHEW JOHNSON	HNB	\$6,240.00
8/1/2014	DEVINNE HOLLIE	L.D.	HNB	\$6,240.00
8/4/2014	SHANITA HOLLIE	EDDIE STACY	HNB	\$6,240.00
8/4/2014	DEVINNE HOLLIE	A.T.	HNB	\$6,240.00
8/4/2014	SADE PHILPOTT, SHANITA HOLLIE	DARREN SHEA-RON	HNB	\$6,240.00
8/4/2014	SADE PHILPOTT, SHANITA HOLLIE	JEFFERY TATE	HNB	\$5,280.00

<u>Approximate Date</u>	<u>Deposited by Defendant:</u>	<u>Into Co-Conspirator Account of:</u>	<u>Bank</u>	<u>Approximate Amount</u>
8/5/2014	SHANITA HOLLIE	MARNETTA MCPHERSON	HNB	\$6,240.00
8/7/2014	DEVINNE HOLLIE	J.G.2	HNB	\$6,240.00
8/26/2014	SHANITA HOLLIE	C.R.	HNB	\$5,760.00
2/27/2015	DEVINNE HOLLIE	CHAD M. MASON	HNB	\$6,370.00
12/12/2014	DEVINNE HOLLIE	AHMERR ELLIS	CB	\$3,430.00
12/15/2014	DEVINNE HOLLIE	D.S.C.	CB	\$5,800.00
12/22/2014	DEVINNE HOLLIE	B.S.M	CB	\$3,920.00
1/22/2015	SHANITA HOLLIE	L.R.W.	CB	\$4,410.00
1/22/2015	SHANITA HOLLIE	JOHN T. WILDER	CB	\$4,900.00
1/26/2015	SHANITA HOLLIE	ANTHONY L. MCPHERSON	CB	\$4,900.00
1/27/2015	SHANITA HOLLIE	THIOTIS A. GREENE	CB	\$4,900.00

16. The defendants and co-conspirators listed below withdrew funds and made debit card purchases, and attempted to withdraw funds and make debit card purchases, using the proceeds of the counterfeit and forged checks:

<u>Approximate Date</u>	<u>Defendant</u>	<u>Bank</u>	<u>Approximate Amount of Withdrawal or Purchase</u>
7/16/2014	CALVIN MCPHERSON	HNB	\$3,139.99
7/25/2014	D.M.	HNB	\$5,071.50
7/25/2014	ASIA MCPHERSON	HNB	\$4,657.50
7/26/2014	M.C.	HNB	\$4,657.00
7/26/2014	An.M., SADE PHILPOTT	HNB	\$4,648.00
7/29/2014	TAVIO JACK, DEVINNE HOLLIE	HNB	\$5,692.50
7/29/2014	T.T., DEVINNE HOLLIE	HNB	\$5,720.00

<u>Approximate Date</u>	<u>Defendant</u>	<u>Bank</u>	<u>Approximate Amount of Withdrawal or Purchase</u>
7/29/2014	EARL WALKER, SADE PHILPOTT, SHANITA HOLLIE	HNB	\$4,657.50
7/29/2014	AHMERR ELLIS	HNB	\$5,600.00
7/29/2014	L.M.B., SADE PHILPOTT, SHANITA HOLLIE	HNB	\$5,175.00
8/1/2014	MATTHEW JOHNSON, SHANITA HOLLIE	HNB	\$5,692.50
8/2/2014	L.D.	HNB	\$5,512.00
8/5/2014	EDDIE STACY, DEVINNE HOLLIE	HNB	\$5,257.80
8/5/2014	A.T., DEVINNE HOLLIE	HNB	\$5,692.50
8/5/2014	MARNETTA MCPHERSON, SADE PHILPOTT, SHANITA HOLLIE	HNB	\$5,692.50
8/5/2014	DARREN SHEA-RON, SADE PHILPOTT, SHANITA HOLLIE	HNB	\$5,692.50
8/5/2014	JEFFERY TATE, SADE PHILPOTT, SHANITA HOLLIE	HNB	\$4,657.50
12/23/2014	B.S.M.	CB	\$3,829.50
1/23/2015	L.R.W., SHANITA HOLLIE	CB	\$3,139.99
1/23/2015	JOHN T. WILDER, DEVINNE HOLLIE	CB	\$3,829.50
1/27/2015	ANTHONY L. MCPHERSON, SHANITA HOLLIE	CB	\$3,829.50
1/28/2015	THIOTIS A. GREENE.	CB	\$3,622.50
2/28/2015	CHAD M. MASON, DEVINNE HOLLIE	HNB	\$5,796.00

17. As a result of the above conspiracy, Defendants DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT, AHMERR ELLIS, CALVIN MCPHERSON, ASIA MCPHERSON, TAVIO JACK, EARL WALKER, MATTHEW JOHNSON, EDDIE STACY, DARREN SHEA-RON, JEFFERY TATE, MARNETTA MCPHERSON, CHAD M. MASON,



JOHN T. WILDER, ANTHONY L. MCPHERSON, THIOTIS A. GREENE and others,  
fraudulently obtained a gross amount of over approximately \$130,000.

All in violation of Title 18, United States Code, Section 1349.

**COUNTS 2 – 32**

(Bank Fraud, Title 18, United States Code, Sections 1344(1) and (2) and 2)

The Grand Jury further charges:

18. The factual allegations of paragraphs 1 through 14, and 17 of Count 1 of this Superseding Indictment are hereby repeated, realleged, and incorporated as if fully set forth herein.

19. On or about the dates listed below, the defendants listed below, and others, in the Northern District of Ohio and elsewhere, unlawfully and knowingly executed and attempted to execute a scheme and artifice to defraud the financial institutions listed below and obtained and attempted to obtain money under the custody and control of said financial institutions by means of false and fraudulent pretenses, representations and promises, the specific financial transactions set forth below:

<b><u>Count</u></b>	<b><u>Defendants</u></b>	<b><u>Approximate Dates</u></b>	<b><u>Financial Transaction</u></b>	<b><u>Bank</u></b>
2	CALVIN MCPHERSON, SHANITA HOLLIE	7/15 – 7/16/2014	Deposits into and Withdrawals from CALVIN MCPHERSON's account	HNB
3	SHANITA HOLLIE	7/17-18/2014	Deposits into and Withdrawals from B.F. account	HNB
4	SHANITA HOLLIE	7/24 – 7/25/2014	Deposits into and Withdrawals from D.M. account	HNB
5	ASIA MCPHERSON, SHANITA HOLLIE	7/24 – 7/25/2014	Deposits into and Withdrawals from ASIA MCPHERSON's account	HNB
6	DEVINNE HOLLIE	7/25 – 7/26/2014	Deposits into and Withdrawals from M.C. account	HNB
7	SADE PHILPOTT	7/25 – 7/26/2014	Deposits into and Withdrawals from K.G. account	HNB
8	SADE PHILPOTT	7/25 – 7/26/2014	Deposits into and Withdrawals from An.M. account	HNB

<b>Count</b>	<b>Defendants</b>	<b>Approximate Dates</b>	<b>Financial Transaction</b>	<b>Bank</b>
9	DEVINNE HOLLIE	7/25-26/2014	Deposits into and Withdrawals from S.M. account	HNB
10	TAVIO JACK, DEVINNE HOLLIE	7/28 – 7/29/2014	Deposits into and Withdrawals from TAVIO JACK's account	HNB
11	DEVINNE HOLLIE	7/28 – 7/29/2014	Deposits into and Withdrawals from T.T. account	HNB
12	EARL WALKER, SADE PHILPOTT, SHANITA HOLLIE	7/28 – 7/29/2014	Deposits into and Withdrawals from EARL WALKER's account	HNB
13	AHMERR ELLIS, DEVINNE HOLLIE	7/28 – 7/29/2014	Deposits into and Withdrawals from AHMERR ELLIS's account	HNB
14	SHANITA HOLLIE	7/29/2014	Deposits into and Withdrawals from L.M.B. account	HNB
15	DEVINNE HOLLIE	7/30 – 7/31/2014	Deposits into and Withdrawals from J.G.1 account	HNB
16	MATTHEW JOHNSON, SHANITA HOLLIE	7/31 – 8/1/2014	Deposits into and Withdrawals from MATTHEW JOHNSON's account	HNB
17	DEVINNE HOLLIE	8/1 – 8/2/2014	Deposits into and Withdrawals from L.D. account	HNB
18	EDDIE STACY, SHANITA HOLLIE	8/4 – 8/5/2014	Deposits into and Withdrawals from EDDIE STACY's account	HNB
19	DEVINNE HOLLIE	8/4 – 8/5/2014	Deposits into and Withdrawals from A.T. account	HNB
20	DARREN SHEA-RON, SADE PHILPOTT, SHANITA HOLLIE	8/4 – 8/5/2014	Deposits into and Withdrawals from DARREN SHEA-RON's account	HNB
21	JEFFERY TATE, SADE PHILPOTT, SHANITA HOLLIE	8/4 – 8/5/2014	Deposits into and Withdrawals from JEFFERY TATE's account	HNB
22	MARNETTA MCPHERSON, SHANITA HOLLIE	8/5/2014	Deposits into and Withdrawals from MARNETTA MCPHERSON's account	HNB
23	DEVINNE HOLLIE	8/7/2014	Deposits into J.G.2 account	HNB
24	SHANITA HOLLIE	8/26/2014	Deposits into C.R. account	HNB
25	CHAD M. MASON, DEVINNE HOLLIE	2/27 – 2/28/2015	Deposits into and Withdrawals from CHAD MICHAEL MASON's account	HNB
26	AHMERR ELLIS, DEVINNE HOLLIE	12/12- 12/15/2014	Deposits into and Withdrawals from AHMERR ELLIS's account	CB
27	DEVINNE HOLLIE	12/15/2014	Deposits into D.S.C. account	CB
28	DEVINNE HOLLIE	12/22- 23/2014	Deposits into and Withdrawals from B.S.M. account	CB

<u>Count</u>	<u>Defendants</u>	<u>Approximate Dates</u>	<u>Financial Transaction</u>	<u>Bank</u>
29	SHANITA HOLLIE	1/22 – 1/23/2015	Deposits into and Withdrawals from L.R.W. account	CB
30	JOHN T. WILDER, SHANITA HOLLIE	1/22 – 1/23/2015	Deposits into and Withdrawals from JOHN T. WILDER's account	CB
31	ANTHONY L. MCPHERSON, SHANITA HOLLIE	1/26 – 1/27/2015	Deposits into and Withdrawals from ANTHONY L. MCPHERSON's account	CB
32	THIOTIS A. GREENE, SHANITA HOLLIE	1/27 – 1/28/2015	Deposits into and Withdrawals from THIOTIS A. GREENE's account	CB

All in violation of Title 18, United States Code, Sections 1344(1) and (2) and 2.

#### FORFEITURE

The Grand Jury further charges:

For the purpose of alleging forfeiture pursuant to Title 18, United States Code, §§ 981 and 982, and 28 U.S.C. § 2461(c), the allegations of Counts 1 through 32 are incorporated herein by reference. As a result of the foregoing offenses, defendants DEVINNE P. HOLLIE, SHANITA HOLLIE, SADE PHILPOTT, AHMERR ELLIS, CALVIN MCPHERSON, ASIA MCPHERSON, TAVIO JACK, EARL WALKER, MATTHEW JOHNSON, EDDIE STACY, DARREN SHEA-RON, JEFFREY TATE, MARNETTA MCPHERSON, CHAD M. MASON, JOHN T. WILDER, ANTHONY L. MCPHERSON, and THIOTIS A. GREENE, shall forfeit to the United States any property real or personal, which constitutes or is derived from proceeds traceable to a violation of the charges set forth herein, or a conspiracy to commit such offense.

A TRUE BILL.

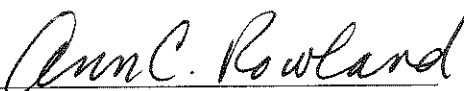
Original document -- Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.

United States v. Devinne Hollie, et. al.

A TRUE BILL.

  
FOREPERSON

STEVEN M. DETTELBACH  
United States Attorney

By:   
ANN C. ROWLAND  
Deputy Criminal Chief